

REMARKS

Initially, in the Office Action Claims 6 and 14 have been rejected under 35 U.S.C. §101. Further, the specification has been objected to. Claims 1 – 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0128047 (Gates) in view of U.S. Patent Application Publication No. 2004/0044536 (Fitzpatrick). Claims 11 – 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Fitzpatrick in view of U.S. Patent Application Publication No. 2003/0078981 (Harms).

By the present response, Applicant has amended claims 6 and 14 to further clarify the invention. Claims 1-16 remain pending in the present application.

Specification Objections

The specification has been objected to. Applicant has amended the specification to further clarify the invention and respectfully request that this objection be withdrawn.

35 U.S.C. §101 Rejections

Claims 6 and 14 have been rejected under 35 U.S.C. §101. Applicant has amended these claims to further clarify the invention and respectfully request that these rejections be withdrawn.

35 U.S.C. §103 Rejections

Claims 1 – 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gates in view of Fitzpatrick. Applicant respectfully traverses these rejections.

Regarding claims 1 and 6, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest, or render obvious the limitations in the combination of each of these claims. For example, none of the cited references, taken alone or in any proper combination, disclose or suggest adding contact data for the selected contacts from the mobile phone contact list to a message, or sending the message containing the contact data for the selected contacts to the group of mobile phones using the mobile phone messaging service,

the message containing control data identifying the message as containing a contact list. The Examiner admits that Gates does not disclose or suggest these limitations but asserts that Fitzpatrick discloses these limitations in Figure 1, message 130, and in paragraphs 9 – 13, 19 and 21. However, Applicant submits that Fitzpatrick et al. teaches away from the limitations in the claims of the present application. Fitzpatrick et al. discloses sending an email where a list of contacts is attached to the email. In contrast, the limitations in the claims of the present application relate to adding contact data for the selected contacts from the mobile phone contact list to a message. The limitations in the claims of the present application relate to adding a contact list into a message. The message is sent via a mobile phone messaging service such as, for example, SMS, MMS, etc. In contrast, Fitzpatrick is entirely related to email and sending attachments to email. Fitzpatrick does not disclose or suggest adding contact data for the selected contacts from the mobile phone contact list to a message.

Moreover, Fitzpatrick et al. does not disclose or suggest sending the message containing the contact data for the selected contacts to the group of mobile phones using the mobile phone messaging service, the message containing control data identifying the message as contained in the contact list, as recited in the claims of the present application. Sending an email message with an attachment, as disclosed in Fitzpatrick et al. does not disclose or suggest these limitations in the claims of the present application. Further, Gates also relates to composing and sending email messages.

Regarding claims 2 – 5 and 7 – 10, Applicant submits that these claims are dependent on one of independent claims 1 and 6 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1 – 10 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 11 – 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Fitzpatrick in view of Harms. Applicant respectfully traverses these rejections.

Regarding claims 11 and 14, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest, or render obvious the limitations in the combination of each of these claims. For example, none of the cited references, taken alone or in any proper combination, disclose or suggest determining whether the received message contains data for a contact list and, if so launching an application specific software program to manage the received data for a contact list, otherwise handling the received message normally. The Examiner asserts that these limitations are disclosed in Fitzpatrick in Figure 3 and paragraphs 27 – 29. However, these portions merely disclose that a recipient receives an electronic mail message from a sender with at least one contact list attached, and the contact list belonging to the sender and recipient are parsed and compared to determine if any contacts in the list of contacts belonging to the sender matches contacts contained in the list of contacts belonging to the recipient and if so, an identifier for the matched contact is added to a generally common contact list and if not, it is determined if there are any additional contact lists belonging to the sender and the recipient and the process repeated and any generated contact list sent to the sender and the recipient. This is not determining whether the received message contains data for a contact list, as recited in the claims of the present application. Fitzpatrick merely discloses receiving an attachment with a contact list and comparing the contact list with a contact list of the recipient. Fitzpatrick does not disclose or suggest any determination of whether the received message contains data for a contact list. In addition, as noted previously, the contact list in Fitzpatrick is an email attachment. In contrast, the limitations in the claims of the present application relate to a message containing data for a contact list that is sent via a mobile phone messaging service. In addition, Fitzpatrick does not disclose or suggest an application specific software program to manage the received data for a contact list, otherwise handling the received message normally, as recited in the claims of the present application. Fitzpatrick merely discloses receiving the

attachment to the email and comparing the attachment with contacts stored at the recipient. Since there is no determination of whether the received message contains data for a contact list clearly, Fitzpatrick does not disclose or suggest otherwise handling the received message normally.

Regarding claims 12, 13, 15, and 16, Applicant submits that these claims are dependent on one of independent claims 11 and 14 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 11 – 16 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Conclusion

In view of the foregoing remarks, Applicant submits that claims 1-16 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner has any questions about the present amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

John W. Northcutt
(Applicant)



Date: June 18, 2009

Frederick D. Bailey
Registration No. 42,282
Moore & Van Allen PLLC
P.O. Box 13706
Research Triangle Park, N.C. 27709
Telephone: (919) 286-8000
Facsimile: (919) 286-8199